

REMARKS

Claims 1–4 and 9–11 are currently pending in this application. Applicants appreciate the thorough examination as evidenced by the Final Action of September 9, 2009. In response, Applicant submits the present amendment and respectfully request entry of the claim amendments presented herein in view of the accompanying Request for Continued Examination, and further consideration of the present application in view of this amendment and the remarks provided below.

Support for Claim Amendments

The amendments presented above have been made to recite particular features of the inventions so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

Claims 1, 9 and 14 are amended herein to more particularly point out what Applicants regard as the invention. Support for these amendments to the claims can be found in the application as originally filed, particularly at page 5, lines 5–9 of the specification and in Example 2 as shown in Table 5. The points raised by the Examiner are addressed hereinbelow.

Claim Rejections - 35 U.S.C. § 103

Claims 1–4 and 9–18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 92117883.6 (“Neumann et al.”). The reasons for maintaining this rejection are set forth by the Examiner, particularly at pages 4 and 5, in the Final Action.

Neumann et al. generally discuss a dispenser for controlled release of pheromones with two or more chambers so that two or more pests can be treated at the same time in a single work operation. (*see*, page 12, lines 6–8 of the translation of Neumann et al.). However, in order to effect controlled release of individual pheromones, Neumann et al. use the choice of dispenser shape and different (pheromone-permeable) top films so that the release rates of the individual pheromones are coordinated with each other (*see*, page 12, lines 12–14 of Neumann et al.).

Neumann et al. further describe the disadvantages of sex pheromone dispensers wherein the chambers are made of the same material (*see*, page 4, lines 2–11 of Neumann et al.).

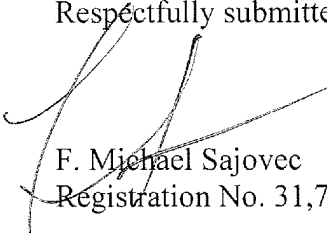
The present invention as set forth in the claims, as amended herein, is directed toward a sex pheromone sustained release dispenser comprising a first and second polymer chamber, each further comprising a polymer membrane, wherein the chambers and membranes are made of the same material and wherein the sex pheromone substances are released from the chambers at similar rates. Thus, in addition to not disclosing all the elements of that which is claimed, the disclosures of Neumann et al. teach away from a sex pheromone sustained release dispenser wherein the chambers (and membranes) are made of the same material, and wherein the release rates from the chambers are similar. In view of the foregoing, Applicants submit that the instant claims are directed toward nonobvious subject matter, and respectfully request that the instant rejection on this basis be withdrawn.

CONCLUSION

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any small matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

A petition for a two-month extension of time is required with the filing of this paper and is filed concurrently herewith. The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$490.00 fee for a two-month extension of time. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,


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CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 4, 2010.


Cara L. Rose